



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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Mitchell R. Swartz ScD, MD, EE
16 Pembroke Road
Weston, MA 02493

Mailed w/ paper #21

In re: Mitchell R. Swartz : Decision on Petition under
Serial No. 09/750,765 : 37 CFR 1.181
Filed : December 28, 2000 :

For: METHOD AND APPARATUS TO
CONTROL ISOTROPIC FUEL LOADED
WITHIN A MATERIAL

This is a decision on the petition under 37 CFR 1.181, received on May 8, 2003. Also, the petition to the Commissioner faxed on May 6, which is a duplicate of the petition received on May 8, 2003 was forwarded to this office for consideration. There is no fee for this petition.

The applicant's petition is granted with respect to reviewing the examiner's actions, but dismissed with respect to making any substantive changes to the Office actions.

Applicant's petition request the correction of various "situations" as acknowledged below.

The final action referenced a number of publications not of record, a form PTOL-892 is attached hereto listing such references. As this is merely an informal matter, the reason why it was missing is not germane to any decision herein.

With respect to the form PTOL 1449 submitted on October 25, 2002 and again on December 9, 2002, the file record indicates that the examiner has acknowledged each of the references. Apparently the examiner failed to check the appropriate "attachment" box at the bottom of the Office action summary form mailed on March 20, 2003, thereby providing no indication to the mail center that the form was to be mailed. A copy of the considered form is attached to this decision for applicant's records.



The applicant alleges that the examiner has not addressed several sections of Applicant's response of 12/3/02. Furthermore, applicant alleges that the examiner has not addressed the Declarations and Exhibits of a previous response. The applicant has provided no indication of specific arguments that were not addressed or which Declarations or Exhibits were not considered to support the allegations. Therefore, a decision cannot be made with respect to these issues.

The remaining issues raised by the applicant are directed to the substantive examination process and are issues directed to the rejections of record. The undersigned will not address any issues

regarding the examiner's position relating to the rejections of record. These matters are appealable to the Board of Patent Appeals.

In that applicant has not identified any error in the procedural steps taken by the examiner, the petition is DISMISSED.

Any questions or comments with respect to this decision should be forwarded to Michael J. Carone in writing.


Donald T. Hajec, Director
Technology Center 3600
(703) 306-4180

mc:kjd; 6/20/03